

OVERT ACTS

3. In furtherance of the conspiracy, and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about September 4, 2007, as part of a pre-arranged meeting (the "Meeting"), RUDY RODRIGUEZ, the defendant, met a confidential informant ("CI") at 1133 Tinton Avenue (the "Apartment") in the Bronx, New York, for the purpose of selling ecstasy pills.

b. On or about September 4, 2007, after the Meeting, ALEXANDER RODRIGUEZ, the defendant, carried the ecstasy pills to a vehicle outside the Apartment.

(Title 21, United States Code, Section 846.)

COUNT TWO

4. On or about September 4, 2007, in the Southern District of New York, RUDY RODRIGUEZ, the defendant, unlawfully, willfully, and knowingly, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, namely the offense charged in Count One of this Indictment, did use and carry a firearm, and in furtherance of such crime, did possess a firearm, to wit, a loaded Springfield Arms 9 millimeter semi-automatic handgun, which the defendant possessed in the vicinity of the Apartment.

(Title 18, United States Code, Section 924(c)(1)(A)(i).)

FORFEITURE ALLEGATION WITH RESPECT TO COUNT ONE

5. As a result of committing the controlled substance offense alleged in Count One of this Indictment, RUDY RODRIGUEZ and ALEXANDER RODRIGUEZ, the defendants, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendants obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Count One of this Indictment, representing the amount of proceeds obtained as a result of the narcotics offenses charged in Count One Indictment.

Substitute Asset Provision

a. If any of the above-described forfeitable property, as a result of any act or omission of RUDY RODRIGUEZ and ALEXANDER RODRIGUEZ, the defendants:

(1) cannot be located upon the exercise of due diligence;


(2) has been transferred or sold to, or deposited with, a third person;

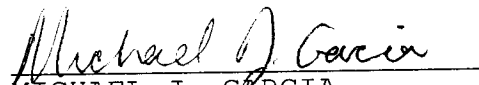
(3) has been placed beyond the jurisdiction of the Court;

(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty;
it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendants, up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 853.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

- v -

**RUDY RODRIGUEZ and
ALEXANDER RODRIGUEZ,**

Defendants.


SUPERSEDING INDICTMENT

07 Cr. ____

(Title 18, United States Code, Section
924(c)(1)(A)(i), Title 21, United States
Code, Sections 812, 841, 846)

Michael J. Garcia
United States Attorney.

A TRUE BILL


Foreperson.
